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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/748,947
Applicant : Matthew J. Fitz et al.
Filed : December 29, 2003
Art Unit : 3731
Examiner : Pellegrino, Brian
Title : SELF-EXPANDING STENT WITH ENHANCED DELIVERY
PRECISION AND STENT DELIVERY SYSTEM
Docket No.: : ACSES-66148 (1675XDC) April 18, 2007
Customer No. : 24201 Los Angeles, California

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(C))**

Dear Sir:

The owner, Advanced Cardiovascular Systems, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,695,862 issued to Matthew Fitz on February 24, 2004. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent(s), as presently shortened by any terminal disclaimer, in the event that either later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(c), has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 C.F.R. § 1.20(d) in the amount of \$130.00 will be paid by credit card with this electronic transmission. Please charge any additional fees or credit any overpayment to Deposit Account No. 06-2425.

Respectfully submitted,
FULWIDER PATTON LLP

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